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Patent Administrator
FMC Corporation
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In re Application of	:	
WU et al.	:	DECISION ON
Application No.: 10/534,279	:	
PCT No.: PCT/US2003/036001	:	PAPERS
Int. Filing Date: 10 November 2003	:	
Priority Date: 08 November 2002	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 60290-USA	:	
For: LEPIDOPTERA VOLTAGE-GATED	:	
CALCIUM CHANNELS	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 21 April 2006, which was accompanied by a declaration of inventors. The indication in this declaration that joint inventor Peter M. Dierks is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 10 November 2003, applicants filed international application PCT/US2003/036001, which designated the United States and claimed a priority date of 08 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 May 2005.

On 21 April 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 21 December 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 21 April 2006, applicants filed the instant submission which was accompanied by, *inter alia*, a declaration of inventors and the surcharge under 37 CFR 1.492(h). The indication in the

declaration that inventor Peter M. Dierks is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 21 April 2006 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 21 April 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



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